

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER

☐

DATE

May 01, 2014

MOTOR CARRIER MATTER

☐

DOCKET NO.

2014-132-E

UTILITIES MATTER

☒

ORDER NO.

2014-401

THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.

SUBJECT:

DOCKET NO. 2014-132-E - Joseph Fuce, II Complainant/Petitioner v. South Carolina Electric & Gas Company, Defendant/Respondent - Discuss with the Commission South Carolina Electric & Gas Company's Motion to Dismiss or Alternatively, for More Definite Statement and to Hold Testimony in Abeyance.

COMMISSION ACTION:

Grant the Motion to Dismiss filed by South Carolina Electric & Gas Company, overrule the complainant's objection, and cancel the hearing. Mr. Fuce's complaint fails to state a claim upon which relief may be granted. His complaint appears to be that the Company would not accept what he considers to be negotiable instruments under the discredited redemption theory for payment of his electric bills, and that the CEO of the Company failed to respond to the allegations of an affidavit served upon him outlining Mr. Fuce's version of the facts in the complaint. Under Commission Regulation 103-339 (4), the Company may refuse to accept various instruments for bill payment, if it believes that there are insufficient funds to support that form of payment. Therefore, the Company had the right to refuse payment by Mr. Fuce's particular instruments, because there was no evidence that there were sufficient funds to support them. Further, the CEO of the Company is not required to respond to documents such as those submitted by Mr. Fuce. Accordingly, Mr. Fuce's complaint fails to state a claim upon which relief may be granted by this Commission, and should be dismissed. Also, Mr. Fuce's objections to the discussion and supporting affidavit contained in the Company's response to his complaint are without merit, and his objection should be overruled. The alternate motion for a more definite statement is moot, since we are granting the Motion to Dismiss.

PRESIDING: HamiltonSESSION: Regular

TIME: 11:00 a.m.

	MOTION	YES	NO	OTHER
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HALL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MCGEE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RANDALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(SEAL)

RECORDED BY: J. Schmieding

